

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1182

To amend the Arms Control and Disarmament Act to strengthen the Arms Control and Disarmament Agency and to improve congressional oversight of the activities of the Agency.

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IN THE SENATE OF THE UNITED STATES

JUNE 30, 1993

Mr. PELL (for himself and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To amend the Arms Control and Disarmament Act to strengthen the Arms Control and Disarmament Agency and to improve congressional oversight of the activities of the Agency.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF**  
4       **CONTENTS.**

5       (a) SHORT TITLE.—This Act may be cited as the  
6       “Arms Control and Nonproliferation Act of 1993”.

7       (b) REFERENCES IN ACT.—Except as specifically  
8       provided in this Act, whenever in this Act an amendment

1 or repeal is expressed as an amendment to or repeal of  
 2 a provision, the reference shall be deemed to be made to  
 3 the Arms Control and Disarmament Act.

4 (c) TABLE OF CONTENTS.—The table of contents for  
 5 this Act is as follows:

- Sec. 1. Short title; references in Act; table of contents.
- Sec. 2. Congressional declarations; purpose.
- Sec. 3. Purposes.
- Sec. 4. Definitions.
- Sec. 5. Repeals.
- Sec. 6. Director.
- Sec. 7. Bureaus, offices, and divisions.
- Sec. 8. Presidential special representatives.
- Sec. 9. Policy formulation.
- Sec. 10. Negotiation management.
- Sec. 11. Report on measures to coordinate research and development.
- Sec. 12. Negotiating records.
- Sec. 13. Verification of compliance.
- Sec. 14. Role of ACDA with respect to dual-use exports.
- Sec. 15. Authorities with respect to nonproliferation matters.
- Sec. 16. Appointment and compensation of personnel.
- Sec. 17. Security requirements.
- Sec. 18. Annual report to Congress; authorization of appropriations.

6 **SEC. 2. CONGRESSIONAL DECLARATIONS; PURPOSE.**

7 (a) CONGRESSIONAL DECLARATIONS.—The Congress  
 8 declares that—

9 (1) a fundamental goal of the United States,  
 10 particularly in the wake of the highly turbulent and  
 11 uncertain international situation fostered by the end  
 12 of the Cold War, the disintegration of the Soviet  
 13 Union and the resulting emergence of fifteen new  
 14 independent states, and the revolutionary changes in  
 15 the Eastern Europe, is to reduce and control the  
 16 large numbers of nuclear and chemical weapons in  
 17 the former Soviet Union and, more generally, to pre-

1       vent the proliferation of weapons of mass destruction  
2       and of high-technology conventional armaments as  
3       well as to prevent regional conflicts and conventional  
4       arms races; and

5           (2) an ultimate goal of the United States con-  
6       tinues to be a world in which the use of force is sub-  
7       ordinated to the rule of law and international change  
8       is achieved peacefully without the danger and bur-  
9       den of destabilizing and costly armaments.

10       (b) PURPOSE.—The purpose of this Act is—

11           (1) to strengthen the United States Arms Con-  
12       trol and Disarmament Agency; and

13           (2) to improve congressional oversight of the  
14       arms control, nonproliferation, and disarmament ac-  
15       tivities of the United States Arms Control and Dis-  
16       armament Agency.

17   **SEC. 3. PURPOSES.**

18       Section 2 (22 U.S.C. 2551) is amended in the text  
19       following the third undesignated paragraph by striking  
20       paragraphs (a), (b), (c), and (d) and by inserting the fol-  
21       lowing new paragraphs:

22           “(1) The formulation, conduct, support, and co-  
23       ordination of United States arms control policy, ne-  
24       gotiations, and implementation fora.

4           “(3) The conduct, support, and coordination of  
5       research for arms control and nonproliferation pol-  
6       icy.

“(4) The preparation for, operation of, support for, and direction of the United States support for or participation in such verification or control systems as may be required by arms control or nonproliferation agreements or such verification or control systems that may otherwise become part of United States arms control or nonproliferation activities.

15           “(5) The dissemination and coordination of  
16       public information concerning arms control and non-  
17       proliferation.”.

Section 3 (22 U.S.C. 2552) is amended to read as follows:

22       “SEC. 3. As used in this Act—

23 “(1) the term ‘Agency’ means the United States  
24 Arms Control and Disarmament Agency;

25 “(2) the term ‘agreement’ means any bilateral  
26 or multilateral legally-binding international agree-

1       ment, political agreement or understanding, or coop-  
2       erative security arrangement, such as a confidence-  
3       and security-building measure;

4           “(3) the term ‘arms control’ means the limita-  
5       tion, reduction, elimination, or verification (including  
6       on-site inspection) of armed forces or armaments of  
7       all types by agreement and includes all matters re-  
8       lating to disarmament;

9           “(4) the term ‘Government agency’ means any  
10      executive department, commission, agency, independ-  
11      ent establishment, corporation wholly or partly  
12      owned by the United States which is an instrumen-  
13      tality of the United States, or any board, bureau, di-  
14      vision, service, office, officer, authority, administra-  
15      tion, or other establishment in the executive branch  
16      of Government; and

17          “(5) the term ‘nonproliferation’ means any  
18      agreement, program, policy, or action to prevent, im-  
19      pede, limit, or discourage nations or subnational  
20      groups from acquiring, developing, testing, produc-  
21      ing, or exporting weapons of mass destruction and  
22      their delivery systems, or advanced conventional  
23      weapons or advanced military capabilities, as well as  
24      any agreement, program, policy, or action to induce

1 nations or subnational groups not to retain such  
2 weapons, capabilities, or delivery systems.”.

3 **SEC. 5. REPEALS.**

4 The following provisions of law are hereby repealed:

5 (1) Section 26 (22 U.S.C. 2566), relating to the  
6 General Advisory Committee.

7 (2) Section 36 (22 U.S.C. 2578), relating to  
8 arms control impact information and analysis.

9 (3) Section 38 (22 U.S.C. 2578), relating to re-  
10 ports on Standing Consultative Commission activi-  
11 ties.

12 (4) Section 52 (22 U.S.C. 2592), relating to re-  
13 ports on adherence to and compliance with agree-  
14 ments.

15 (5) Section 906 of the National Defense Au-  
16 thorization Act, Fiscal Year 1989 (22 U.S.C.  
17 2592b), relating to an annual report on arms control  
18 strategy.

19 (6) Section 1002 of the Department of Defense  
20 Authorization Act, 1986 (22 U.S.C. 2592a), relating  
21 to an annual report on Soviet compliance with arms  
22 control commitments.

23 **SEC. 6. DIRECTOR.**

24 Section 22 (22 U.S.C. 2562) is amended to read as  
25 follows:

1 “DIRECTOR

2 “Sec. 22. (a) APPOINTMENT.—The Agency shall be  
3 headed by a Director appointed by the President, by and  
4 with the advice and consent of the Senate. No person serv-  
5 ing on active duty as a commissioned officer of the Armed  
6 Forces of the United States may be appointed Director.

7 “(b) DUTIES.—(1) The Director shall serve as the  
8 principal adviser to the President and other executive  
9 branch Government officials on matters relating to arms  
10 control and nonproliferation. In carrying out his duties  
11 under this Act, the Director shall have primary respon-  
12 sibility within the Government for matters relating to  
13 arms control and nonproliferation.

14 “(2) The Director shall attend all meetings of the Na-  
15 tional Security Council involving weapons procurement,  
16 arms sales, consideration of the defense budget, and all  
17 arms control and nonproliferation matters.

18 “(3) The Director shall carry out his duties under  
19 the direction of the President and subject to the foreign  
20 policy guidance of the Secretary of State.”.

21 **SEC. 7. BUREAUS, OFFICES, AND DIVISIONS.**

22 Section 25 (22 U.S.C. 2565) is amended to read as  
23 follows:

1 **“SEC. 25. BUREAUS, OFFICES, AND DIVISIONS.**

2 “The Director may establish within the Agency such  
3 bureaus, offices, and divisions as he may determine to be  
4 necessary to discharge his responsibilities pursuant to this  
5 Act, including a bureau of intelligence and information  
6 support and an office to perform legal services for the  
7 Agency.”.

8 **SEC. 8. PRESIDENTIAL SPECIAL REPRESENTATIVES.**

9 (a) Sections 27 and 28 (22 U.S.C. 2567, 2568) are  
10 redesignated as sections 26 and 27, respectively.

11 (b) Section 26 (as redesignated by subsection (a)) is  
12 amended to read as follows:

13 “PRESIDENTIAL SPECIAL REPRESENTATIVES

14 “SEC. 26. The President may appoint, by and with  
15 the advice and consent of the Senate, Special Representa-  
16 tives of the President for Arms Control and Nonprolifera-  
17 tion. Each Presidential Special Representative shall hold  
18 the personal rank of ambassador. Presidential Special  
19 Representatives shall perform their duties and exercise  
20 their powers under direction of the President, acting  
21 through the Director. The Agency shall be the Govern-  
22 ment agency responsible for providing administrative sup-  
23 port, including funding, staff, and office space, to all Pres-  
24 idential Special Representatives.”.

1 **SEC. 9. POLICY FORMULATION.**

2 Section 33 (22 U.S.C. 2573) is amended to read as  
3 follows:

4 “POLICY FORMULATION

5 “SEC. 33. (a) FORMULATION.—The Director shall  
6 prepare for the President, and the heads of such other  
7 Government agencies as the President may determine, rec-  
8 ommendations and guidance concerning United States  
9 arms control and nonproliferation policy.

10 “(b) PROHIBITION.—No action shall be taken pursu-  
11 ant to this or any other Act that would obligate the United  
12 States to reduce or limit the Armed Forces or armaments  
13 of the United States in a militarily significant manner,  
14 except pursuant to the treaty-making power of the Presi-  
15 dent set forth in Article II, Section 2, Clause 2 of the  
16 Constitution or unless authorized by the enactment of fur-  
17 ther affirmative legislation by the Congress of the United  
18 States.”.

19 **SEC. 10. NEGOTIATION MANAGEMENT.**

20 Section 34 (22 U.S.C. 2574) is amended to read as  
21 follows:

22 “NEGOTIATION MANAGEMENT

23 “SEC. 34. The Director, under the direction of the  
24 President, shall have primary responsibility for the prepa-  
25 ration, conduct, and management of United States partici-  
26 pation in all international negotiations and implementa-

1 tion fora in the fields of arms control and nonproliferation.

2 In furtherance of this responsibility—

3 “(1) the Director shall have primary respon-  
4 sibility for the preparation, formulation, support, co-  
5 ordination, and transmission of instructions and  
6 guidance for all such negotiations and fora, and  
7 shall manage interagency groups established within  
8 the executive branch of Government to support such  
9 negotiations and fora;

10 “(2) all United States Government representa-  
11 tives, whether or not Special Representatives under  
12 section 26, who are conducting negotiations or act-  
13 ing pursuant to agreements in the fields of arms  
14 control or nonproliferation shall perform their duties  
15 and exercise their powers, under the direction of the  
16 President, acting through the Director; and

17 “(3) Special Representatives of the President  
18 for Nonproliferation, established pursuant to section  
19 26, shall, acting under the direction of the President  
20 and through the Director, serve as the United States  
21 Government representatives to international organi-  
22 zations relating to the field of nonproliferation, in-  
23 cluding the International Atomic Energy Agency, the  
24 Missile Technology Control Regime, the Nuclear  
25 Suppliers Group, and the Australia Group with re-

1       spect to chemical weapons, as well as perform other  
2       duties and exercise other powers as the President or  
3       Director may prescribe.”.

4   **SEC. 11. REPORT ON MEASURES TO COORDINATE RE-**  
5                   **SEARCH AND DEVELOPMENT.**

6       Not later than March 31, 1994, the President shall  
7       submit to the Congress a report prepared by the Director  
8       of the United States Arms Control and Disarmament  
9       Agency, in coordination with the Secretary of State, the  
10      Secretary of Defense, the Secretary of Energy, the Chair-  
11      man of the Joint Chiefs of Staff, and the Director of  
12      Central Intelligence with respect to the procedures estab-  
13      lished pursuant to section 35 of the Arms Control and  
14      Disarmament Act (22 U.S.C. 2575) for the effective co-  
15      ordination of research and development on arms control  
16      and disarmament among all departments and agencies of  
17      the executive branch of Government.

18   **SEC. 12. NEGOTIATING RECORDS.**

19       (a) IN GENERAL.—The Arms Control and Disar-  
20      mament Act is amended by inserting after section 35 the  
21      following:

22                   “NEGOTIATING RECORDS

23       “SEC. 36. (a) PREPARATION OF RECORDS.—The Di-  
24      rector shall establish a permanent unit within the Agency  
25      that shall be responsible for organizing and maintaining  
26      a negotiating and implementation record for each arms

1 control or nonproliferation agreement to which the United  
2 States is a participating state and which was under nego-  
3 tiation or in force on or after January 1, 1990.

4 “(b) CONTENTS OF RECORDS.—Each such negotiat-  
5 ing and implementation record shall be comprehensive and  
6 detailed, and shall include classified and unclassified mate-  
7 rials such as instructions and guidance, position papers,  
8 reporting cables and memoranda of conversation, working  
9 papers, draft texts of the agreement, diplomatic notes,  
10 notes verbal, and other internal and external correspond-  
11 ence. Such records shall be maintained both in hard copy  
12 and magnetic media. In order to implement effectively this  
13 section, the Director shall ensure that Agency personnel  
14 participate throughout the negotiation and implementa-  
15 tion phases of all arms control and nonproliferation agree-  
16 ments.”.

17 (b) REPORT REQUIRED.—Not later than January 31,  
18 1994, the Director of the United States Arms Control and  
19 Disarmament Agency shall submit to the Speaker of the  
20 House of Representatives and to the chairman of the  
21 Committee on Foreign Relations of the Senate a detailed  
22 report describing the actions he has undertaken to imple-  
23 ment section 36 of the Arms Control and Disarmament  
24 Act.

1 **SEC. 13. VERIFICATION OF COMPLIANCE.**

2 Section 37 (22 U.S.C. 2577) is amended to read as  
3 follows:

4 “VERIFICATION OF COMPLIANCE

5 “SEC. 37. (a) IN GENERAL.—In order to ensure that  
6 arms control and nonproliferation agreements can be ade-  
7 quately verified, the Director shall report to Congress, on  
8 a timely basis, or upon request by an appropriate commit-  
9 tee of the Congress—

10 “(1) in the case of any arms control or non-  
11 proliferation agreement or treaty that has been con-  
12 cluded by the United States, the determination of  
13 the Director as to the degree to which the compo-  
14 nents of such agreement or treaty can be verified;

15 “(2) in the case of any arms control or non-  
16 proliferation agreement or treaty that has entered  
17 into force, any significant degradation or alteration  
18 in the capacity of the United States to verify compli-  
19 ance of the components of such agreement or treaty;  
20 and

21 “(3) the amount and percentage of research  
22 funds expended by the Agency for the purpose of  
23 analyzing issues relating to arms control and non-  
24 proliferation verification.

25 “(b) STANDARD FOR VERIFICATION OF COMPLI-  
26 ANCE.—In making determinations under paragraphs (1)

1 and (2) of subsection (a), the Director shall assume all  
2 measures of concealment not expressly prohibited could be  
3 employed and that standard practices could be altered so  
4 as to impede verification.

5 “(c) RULE OF CONSTRUCTION.—Except as otherwise  
6 provided for by law, nothing in this section may be con-  
7 strued as requiring the disclosure of sensitive information  
8 relating to intelligence sources or methods or persons em-  
9 ployed in the verification of compliance with arms control  
10 or nonproliferation agreements.

11 “(d) PARTICIPATION OF THE DIRECTOR.—In order  
12 to ensure adherence of the United States to obligations  
13 or commitments undertaken in arms control and non-  
14 proliferation agreements, and in order for the Director to  
15 make the assessment required by section 51(a)(6), the Di-  
16 rector shall participate in all interagency groups or organi-  
17 zations within the executive branch of Government that  
18 assess, analyze, or review United States planned or ongo-  
19 ing policies, programs, or actions that affect or could af-  
20 fect United States adherence to obligations undertaken in  
21 arms control or nonproliferation agreements.”.

22 **SEC. 14. ROLE OF ACDA WITH RESPECT TO DUAL-USE EX-**  
23 **PORTS.**

24 Title III of the Arms Control and Disarmament Act  
25 is amended—

1 (1) by redesignating section 39 as section 38;

2 and

3 (2) by adding at the end the following new sec-

4 tion:

5 “ROLE OF ACDA WITH RESPECT TO DUAL-USE EXPORTS

6 “SEC. 39. (a) EXPORT CONTROLS ON NATIONAL SE-  
7 CURITY GROUNDS.—The Director, the Secretary of De-  
8 fense, and the heads of the other appropriate departments  
9 and agencies shall identify goods and technologies for in-  
10 clusion on the national security control list established  
11 pursuant to section 5(c)(1) of the Export Administration  
12 Act of 1979 (50 U.S.C. App. 2404(c)(1)). No item shall  
13 be added to, or removed from, such list without the con-  
14 currence of the Director, the Secretary of Defense, and  
15 the Secretary of Commerce. If the Director, the Secretary  
16 of Defense, and the Secretary of Commerce are unable to  
17 concur, the matter shall be referred to the President for  
18 resolution.

19 “(b) REVIEW.—The Director shall have the right to  
20 review any export license application relating to section  
21 5 of such Act if the Director requests such review. No  
22 application that the Director has requested to review shall  
23 be granted or denied without the concurrence of the Direc-  
24 tor. If concurrence is unable to be reached, the matter  
25 shall be referred to the President for resolution.

1       “(c) INTERNATIONAL NEGOTIATIONS.—The Direc-  
2 tor, in consultation with the Secretary of State, the Sec-  
3 retary of Defense, the Secretary of Commerce, and the  
4 heads of other appropriate departments and agencies shall  
5 be responsible for conducting negotiations with other  
6 countries regarding their cooperation in restricting the ex-  
7 port of goods and technology, including negotiations with  
8 respect to which goods and technology should be subject  
9 to mutually agreed export restrictions and what conditions  
10 should apply for exceptions from those restrictions.

11       “(d) EXPORT CONTROLS ON FOREIGN POLICY  
12 GROUNDS.—The Director, the Secretary of State, and the  
13 Secretary of Commerce shall identify goods and tech-  
14 nologies for inclusion on the foreign policy control list es-  
15 tablished pursuant to section 6 of such Act (50 U.S.C.  
16 App. 2403(b)). No item shall be added to, or removed  
17 from, such list without the concurrence of the Director,  
18 Secretary of State, and the Secretary of Commerce. If the  
19 Director, Secretary of State, and the Secretary of Com-  
20 merce are unable to concur, the matter shall be referred  
21 to the President for resolution.

22       “(e) REVIEW.—The Director shall have the right to  
23 review any export license application relating to section  
24 6 of such Act that the Director requests to review. No  
25 application that the Director has requested to review shall

1 be granted or denied without the concurrence of the Direc-  
2 tor. If concurrence is unable to be reached, the matter  
3 shall be referred to the President for resolution.

4 “(f) INFORMATION FROM THE DEPARTMENT OF  
5 COMMERCE.—The Secretary of Commerce shall furnish to  
6 the Agency all information with respect to the foreign  
7 availability of any goods or technology subject to export  
8 controls pursuant to such Act. Such transfer of informa-  
9 tion shall be accomplished in a timely manner by electronic  
10 means at the expense of the Agency.

11 “(g) PROHIBITION ON DELEGATION OR TRANSFER  
12 OF POWERS.—The President may not delegate or transfer  
13 his power, authority, or discretion to overrule or modify  
14 any recommendation or decision made by the Secretary  
15 of Commerce, the Director, the Secretary of Defense, or  
16 the Secretary of State pursuant to the provisions of such  
17 Act.

18 “(h) SUPERSEDING EXISTING LAW.—The provisions  
19 of this subsection supersede the provisions of the Export  
20 Administration Act of 1979, and any regulation, rule, or  
21 order issued thereunder, to the extent that those provi-  
22 sions are inconsistent.”.

1 **SEC. 15. AUTHORITIES WITH RESPECT TO NONPROLIFERA-**  
2 **TION MATTERS.**

3 (a) AMENDMENTS TO THE ARMS EXPORT CONTROL  
4 ACT.—(1) Section 38(a)(2) of the Arms Export Control  
5 Act (22 U.S.C. 2778(a)(2)) is amended to read as follows:

6 “(2) Decisions on issuing export licenses under this  
7 section shall be made only with the concurrence of the Di-  
8 rector of the United States Arms Control and Disar-  
9 mament Agency, taking into account the Director’s assess-  
10 ment as to whether the export of an article would contrib-  
11 ute to an arms race, support international terrorism, in-  
12 crease the possibility of outbreak or escalation of conflict,  
13 or prejudice the development of bilateral or multilateral  
14 arms control or nonproliferation agreements or other ar-  
15 rangements.”.

16 (2) Section 42(a) of such Act (22 U.S.C. 2791(a))  
17 is amended—

18 (A) by redesignating clauses (1), (2), and (3) as  
19 clauses (A), (B), and (C), respectively;

20 (B) by inserting “(1)” immediately after “(a)”;  
21 and

22 (C) by amending clause (C) to read as follows:

23 “(C) the assessment of the Director of the  
24 United States Arms Control and Disarmament  
25 Agency as to whether, and the extent to which, such  
26 sale might contribute to an arms race, support inter-

1 national terrorism, increase the possibility of out-  
2 break or escalation of conflict, or prejudice the de-  
3 velopment of bilateral or multilateral arms control or  
4 nonproliferation agreements or other arrange-  
5 ments;”; and

6 (D) by adding at the end the following:

7 “(2) Any proposed sale made pursuant to this Act  
8 shall be approved only with the concurrence of the Direc-  
9 tor of the United States Arms Control and Disarmament  
10 Agency.”.

11 (3) Section 71(a) of such Act (22 U.S.C. 2797(a))  
12 is amended by inserting “and the Director of the Arms  
13 Control and Disarmament Agency jointly” after “The Sec-  
14 retary of State”.

15 (4) Section 71(b)(1) of such Act (22 U.S.C.  
16 2797(b)(1)) is amended by striking “A determination of  
17 the Secretary of State” and inserting “A joint determina-  
18 tion of the Secretary of State and the Director of the Unit-  
19 ed States Arms Control and Disarmament Agency”.

20 (5) Section 71(b)(2) of such Act (22 U.S.C.  
21 2797(b)(2)) is amended by inserting “and the Director of  
22 the United States Arms Control and Disarmament Agen-  
23 cy” after “The Secretary of State”.

24 (6) Section 71(c) of such Act (22 U.S.C. 2797(c))  
25 is amended by striking “The Secretary of State shall” and

1 inserting “The Secretary of State and the Director of the  
2 Arms Control and Disarmament Agency shall jointly”.

3 (7) Section 73(d) of such Act (22 U.S.C. 2797(d))  
4 is amended by inserting “and the Director of the United  
5 States Arms Control and Disarmament Agency” after  
6 “The Secretary of State”.

7 (b) AMENDMENTS TO THE ATOMIC ENERGY ACT.—

8 (1) Section 51 of the Atomic Energy Act of 1954 (42  
9 U.S.C. 2071) is amended by adding at the end thereof  
10 the following new sentence: “For purposes of this section,  
11 any determination that other material is special nuclear  
12 material shall be made only with the concurrence of the  
13 Director of the Arms Control and Disarmament Agency.”.

14 (2) Section 57 b. of such Act (42 U.S.C. 2077(b))  
15 is amended by striking “and after consultation with the  
16 Arms Control and Disarmament Agency,” and inserting  
17 “and the Director of the United States Arms Control and  
18 Disarmament Agency and after consultation with”.

19 (3) Section 109 a. of such Act (42 U.S.C. 2139(a))  
20 is amended by inserting “with the concurrence of the Di-  
21 rector of the Arms Control and Disarmament Agency,”  
22 after “if the Commission”.

23 (4) Section 109 b. of such Act (42 U.S.C. 2139(b))  
24 is amended in the first sentence by inserting “, with the

1 concurrence of the Director of the United States Arms  
2 Control and Disarmament Agency” after “Commission”.

3 (5) Section 111 b.(1) of such Act (42 U.S.C.  
4 2141(b)(1)) is amended by striking “and has consulted  
5 with the Arms Control and Disarmament Agency, the Nu-  
6 clear Regulatory Commission,” and inserting “and the Di-  
7 rector of the United States Arms Control and Disar-  
8 mament Agency and has consulted with the Nuclear Regu-  
9 latory Commission”.

10 (6) Section 123 a. of such Act (42 U.S.C. 2153(a))  
11 is amended in the undesignated paragraph following para-  
12 graph (9)—

13 (A) in the second sentence, by striking out “ne-  
14 gotiated by the Secretary of State” and inserting  
15 “negotiated by the Director of the United States  
16 Arms Control and Disarmament Agency”;

17 (B) in the second sentence, by striking out  
18 “shall be submitted to the President jointly by the  
19 Secretary of State and the Secretary of Energy ac-  
20 companied by the views and recommendations of the  
21 Secretary of State,” and inserting “shall be submit-  
22 ted to the President jointly by the Director of the  
23 United States Arms Control and Disarmament  
24 Agency, the Secretary of State, and the Secretary of  
25 Energy accompanied by the views and recommenda-

1        tions of the Director of the United States Arms  
2        Control and Disarmament Agency, the Secretary of  
3        State,”;

4            (C) in the third sentence, by inserting “jointly”  
5        after “any proposed agreement for cooperation shall  
6        be”;

7            (D) in the third sentence, by inserting “and the  
8        Director of the United States Arms Control and  
9        Disarmament Agency” after “by the Secretary of  
10       Energy”;

11           (E) in the third sentence, by inserting “and the  
12       Director of the United States Arms Control and  
13       Disarmament Agency” after “, by the Secretary of  
14       Defense”.

15        (7) Section 126 a. (1) of such Act (42 U.S.C.  
16       2155(a)(1)) is amended by inserting “, with the concur-  
17       rence of the Director of the United States Arms Control  
18       and Disarmament Agency,” after “the Commission has  
19       been notified by the Secretary of State”.

20        (8) Section 131 a. (1) of such Act (42 U.S.C.  
21       2160(a)(1)) is amended—

22            (A) in the first sentence, by inserting “the Di-  
23       rector of the United States Arms Control and Disar-  
24       mament Agency and” after “the Secretary of En-  
25       ergy shall obtain the concurrence of”; and

1 (B) in the proviso, by striking “the Secretary of  
2 State” and inserting “the Director of the United  
3 States Arms Control and Disarmament Agency”.

4 (9) Section 131 b. (2) of such Act (42 U.S.C.  
5 2160(b)(2)) is amended by inserting “the Director of the  
6 United States Arms Control and Disarmament Agency  
7 and” after “unless in his judgment, and that of”.

8 (10) Section 131 b. (3) of such Act (42 U.S.C.  
9 2160(b)(3)) is amended by inserting “the Director of the  
10 United States Arms Control and Disarmament Agency  
11 and” after “to those which in this view, and that of”.

12 (11) Section 142 of such Act (42 U.S.C. 2162) is  
13 amended by adding at the end thereof the following new  
14 subsection:

15 “(g) All determinations under this section to remove  
16 data from the Restricted Data category shall be made only  
17 after consultation with, and upon the concurrence of, the  
18 Director of the United States Arms Control and Disar-  
19 mament Agency.”.

20 **SEC. 16. APPOINTMENT AND COMPENSATION OF PERSON-**  
21 **NEL.**

22 Section 41(b) (22 U.S.C. 2581(b)) is amended by  
23 striking all that follows “General Schedule pay rates,” and  
24 inserting in lieu thereof “except that—

1           “(1) the Director may, to the extent the Direc-  
2           tor determines necessary, appoint in the excepted  
3           service, and fix the compensation of, employees pos-  
4           sessing specialized technical expertise without regard  
5           to provisions of title 5, United States Code, govern-  
6           ing appointment or compensation of employees of  
7           the United States,

8           “(2) an employee who is appointed under this  
9           provision may not be paid a salary in excess of the  
10          rate payable for positions of equivalent difficulty or  
11          responsibility, and in no event, may be paid at a rate  
12          exceeding the maximum rate in effect for level 15 of  
13          the General Schedule, and

14          “(3) the number of employees appointed under  
15          this paragraph shall not exceed ten percent of the  
16          number of positions allowed under the Agency’s full-  
17          time equivalent limitation.”.

18 **SEC. 17. SECURITY REQUIREMENTS.**

19          Section 45(a) (22 U.S.C. 2585) is amended in the  
20          third sentence—

21                 (1) by inserting “or employed directly from  
22                 other Government agencies” after “persons detailed  
23                 from other Government agencies”; and

1           (2) by striking “by the Department of Defense  
2           or the Department of State” and inserting “by such  
3           agencies”.

4   **SEC. 18. ANNUAL REPORT TO CONGRESS; AUTHORIZATION**  
5                   **OF APPROPRIATIONS.**

6           (a) IN GENERAL.—Title IV of the Arms Control and  
7   Disarmament Act is amended—

8           (1) by striking sections 49 and 50;

9           (2) by redesignating sections 51 and 53 as sec-  
10   tions 49 and 50, respectively;

11           (3) by inserting after section 50 (as redesign-  
12   nated by paragraph (2)) the following new sections:

13                   “ANNUAL REPORT TO CONGRESS

14           “SEC. 51. (a) IN GENERAL.—Not later than January  
15   31 of each year, the President shall submit to the Speaker  
16   of the House of Representatives and to the chairman of  
17   the Committee on Foreign Relations of the Senate a re-  
18   port prepared by the Director, in consultation with the  
19   Secretary of State, the Secretary of Defense, the Secretary  
20   of Energy, the Chairman of the Joint Chiefs of Staff, and  
21   Director of Central Intelligence, on the status of United  
22   States policy and actions with respect to arms control and  
23   nonproliferation. Such report shall include—

24                   “(1) a detailed statement concerning the arms  
25           control objectives of the executive branch of Govern-  
26           ment for the forthcoming year;

1           “(2) a detailed statement concerning the non-  
2 proliferation objectives of the executive branch of  
3 Government for the forthcoming year;

4           “(3) a detailed assessment of the status of any  
5 ongoing arms control negotiations, including a com-  
6 prehensive description of negotiations during the  
7 preceding year and an appraisal of the status and  
8 prospects for the forthcoming year;

9           “(4) a detailed assessment of the status of any  
10 ongoing nonproliferation negotiations or other activi-  
11 ties, including a comprehensive description of the ne-  
12 gotiations or other activities during the preceding  
13 year and an appraisal of the status and prospects  
14 for the forthcoming year;

15           “(5) a detailed assessment of adherence of the  
16 United States to obligations undertaken in arms  
17 control and nonproliferation agreements, including  
18 information on the policies and organization of each  
19 relevant agency or department of the United States  
20 to ensure adherence to such obligations, a descrip-  
21 tion of national security programs with a direct  
22 bearing on questions of adherence to such obliga-  
23 tions and of steps being taken to ensure adherence,  
24 and a compilation of any substantive questions

1 raised during the preceding year and any corrective  
2 action taken; and

3 “(6) a detailed assessment of the adherence of  
4 other nations to obligations undertaken in all arms  
5 control and nonproliferation agreements to which the  
6 United States is a participating state, including in-  
7 formation on actions taken by each nation with re-  
8 gard to the size, structure, and disposition of its  
9 military forces in order to comply with arms control  
10 or nonproliferation agreements, and shall include, in  
11 the case of each agreement about which compliance  
12 questions exist—

13 “(A) a description of each significant issue  
14 raised and efforts made and contemplated with  
15 the other participating state to seek resolution  
16 of the difficulty;

17 “(B) an assessment of damage, if any, to  
18 the United States security and other interests;  
19 and

20 “(C) recommendations as to any steps that  
21 should be considered to redress any damage to  
22 United States national security and to reduce  
23 compliance problems.

1       “(b) CLASSIFICATION OF THE REPORT.—The report  
2 required by this section shall be submitted in unclassified  
3 form, with classified annexes, as appropriate.

4               “AUTHORIZATION OF APPROPRIATIONS

5       “SEC. 52. (a) AUTHORIZATION OF APPROPRIA-  
6 TIONS.—To carry out the purposes of this Act, there are  
7 authorized to be appropriated—

8               “(1) \$62,500,000 for fiscal year 1994 and  
9       \$64,375,000 for fiscal year 1995; and

10              “(2) such additional amounts as may be nec-  
11 essary for each fiscal year for which an authoriza-  
12 tion of appropriations is provided for in paragraph  
13 (1) of this subsection for increases in salary, pay, re-  
14 tirement, other employee benefits authorized by law,  
15 and other nondiscretionary costs, and to offset ad-  
16 verse fluctuations in foreign currency exchange  
17 rates.

18       “(b) TRANSFER OF FUNDS.—Funds appropriated  
19 pursuant to this section may be allocated or transferred  
20 to any agency for carrying out the purposes of this Act.  
21 Such funds shall be available for obligation and expendi-  
22 ture in accordance with the authorities of this Act or in  
23 accordance with the authorities governing the activities of  
24 the agencies to which such funds are allocated or trans-  
25 ferred.

1       “(c) LIMITATION.—Not more than 12 percent of any  
2 appropriation made pursuant to this Act shall be obligated  
3 or reserved during the last month of the fiscal year.”.

4       (b) EFFECTIVE DATE.—So much of the amendment  
5 made by subsection (a) as inserts section 52 of the Arms  
6 Control and Disarmament Act shall take effect on October  
7 1, 1993.

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